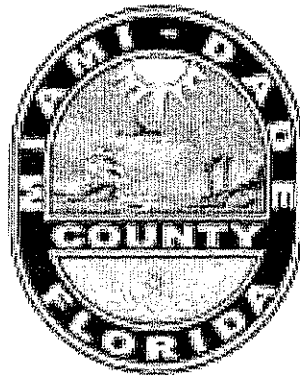


Miami Dade County

Stephen P. Clark Government Center
111 N.W. 1st Street
Miami, FL 33128



LEGISLATIVE ANALYSIS

SUPPLEMENTAL INFORMATION

Tuesday, June 8, 2004
9:00 AM
Commission Chambers

Board of County Commissioners

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION APPROVING AN AMENDMENT TO THE CRANDON PARK MASTER PLAN TO PROVIDE EXPRESS GUIDELINES FOR THE CONDUCT OF GOLF TOURNAMENT EVENTS AT CRANDON PARK GOLF COURSE, SIMILAR TO GUIDELINES ALREADY ESTABLISHED FOR TENNIS TOURNAMENT EVENTS AT THE CRANDON PARK TENNIS CENTER AS PERMITTED BY THE CRANDON PARK MASTER PLAN, IN COMPLIANCE WITH SECTION 33-303 OF THE CODE OF MIAMI-DADE COUNTY, SUBJECT TO APPROVAL OF THE COMMITTEE ON THE AMENDMENT OF THE CRANDON PARK MASTER PLAN

I. SUMMARY

This resolution amends the Crandon Park Master Plan to specify guidelines under which golf tournaments at the Crandon Park Golf Course shall be conducted.

II. PRESENT SITUATION

Since 1987 the Crandon Park Golf Course has been the site of a Professional Golf Association (PGA) Senior Tournament event. The Crandon Park Master Plan allows for Golf Tournaments to be held but does not specify guidelines for conducting them in a manner that is universally accepted for such events.

Bruce Matheson disagrees with the way the golf tournaments are being held and has filed a civil action against the County claiming that the tournament and the new golf course clubhouse is not consistent with the master plan.

III. POLICY CHANGE AND IMPLICATION

This item recommends amending the Crandon Park Master Plan to clarify the details of conducting golf tournaments. Specific modifications include:

- Provides for specific time periods to set-up, conduct, and restore the site related to a golf tournament event
- Provides for a limited number of tournament dates annually
- Provides for on-site advertising during a Tournament Period by tournament promoters and sponsors
- Provides guideline for the size, display and location, etc. of on-site promotion and advertisement during a Tournament Period
- Provided for relaxation of certain Master Plan General Provisions specifically related to the golf course during a Tournament Period

BCC ITEM 4(H)

June 8, 2004

IV. ECONOMIC IMPACT

There is no fiscal impact directly associated with this item. However, there is still a pending civil action against the County which could impact the ability of the County to continue holding Golf Tournaments at the Crandon Park Golf Course.

V. COMMENTS AND QUESTIONS

These amendments will allow for the conducting of golf tournaments under the same or similar conditions that are currently in place for conducting tennis tournaments.

If approved by the Board, this item will still have to be reviewed by the Crandon Park Amendment Committee for final approval.

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

*ORDINANCE RELATING TO CONFLICT OF INTEREST AND CODE OF ETHICS
ORDINANCE; AMENDING SECTION 2-11.1(E) OF THE CODE OF MIAMI-DADE
COUNTY, FLORIDA, TO PROVIDE THAT COMMISSIONERS MAY SOLICIT GIFTS
ON BEHALF OF NONPROFIT ORGANIZATIONS; PROVIDING FOR DISCLOSURE
OF GIFTS HAVING A VALUE IN EXCESS OF \$100; PROVIDING SEVERABILITY,
INCLUSION IN THE CODE, AND AN EFFECTIVE DATE*

Commissioner Jose "Pepe" Diaz

I. SUMMARY

This ordinance amends Sec. 2-11.1(E) of the code of Miami-Dade County as follows:

- Allows Commissioners to solicit gifts for any nonprofit organization* for use solely by that organization, provided that the Commissioner or his staff receives no compensation as a result of the solicitation. (Currently, gifts can only be solicited on behalf of the County for the County)
- **Any person as defined in subsections (b)(1) through (b)(6)** is required to disclose gifts having a value over \$100. (Currently, the threshold is \$25)**

* *Nonprofit organization* is defined as any entity described in Section 501(c)(3) of the Internal Revenue Code (IRC) that is tax exempt under the IRC.

** Defined in subsection (b) of the code as follows:

- (1) Commissioners – Mayor and the BCC
- (2) autonomous personnel – members of semi-autonomous authorities, boards and agencies
- (3) quasi-judicial personnel – members of boards and agencies that perform quasi-judicial functions
- (4) advisory personnel – members of County advisory boards and agencies whose responsibility it is to recommend legislation or give advice to the BCC
- (5) departmental personnel – Manager, Department Heads, County Attorney and Asst County Attorneys
- (6) employees – all salaried personnel employed by the County

II. PRESENT SITUATION

Currently under the Code, commissioners (and County employees or departmental personnel) can solicit gifts on behalf of the County for use solely by the County in conducting its official business. In some instances, commissioners may be able to solicit gifts (such as donations of supplies or surplus materials or equipment from corporations) for the municipalities or non-profit organizations in their districts, but have been unable to do so due to violation of Code. County employees and departmental personnel – in the performance of their official duties – may also solicit gifts for use solely by the County.

III. POLICY CHANGE AND IMPLICATION

Commissioners would be able to solicit gifts for the benefit of nonprofit organizations for the nonprofit's sole use. The disclosure of gifts would only be required if valued over \$100 (which is the same threshold used by the state).

BCC ITEM 6(B)

June 8, 2004

IV. ECONOMIC IMPACT

None.

V. COMMENTS AND QUESTIONS

Adoption of this ordinance would make it possible for Commissioners to solicit gifts to benefit not only the County government, but also nonprofits. For example, a donation of food from Publix could be requested for the Homeless Trust and for a nonprofit organization. These gifts to non-profit organizations could enhance and improve the County's relationship with these organizations and the whole community. However, there is no stipulation that non-profit organization beneficiaries have to be located in Miami-Dade County.

Provided there is no quid-pro-quo relationship between the solicitor and non-profit, this proposal does not appear to increase the potential for a conflict of interest. The Ethics Commission has mixed feelings regarding this item. The Ethics Commission Director indicated that the language is broad and anticipates that they may be asked for opinions in certain cases.

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

ORDINANCE AMENDING SECTIONS 2-10.4 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, MODIFYING THE CODE PERTAINING TO THE ACQUISITION OF PROFESSIONAL ARCHITECTURAL, ENGINEERING, LANDSCAPE ARCHITECTURAL OR LAND SURVEYING AND MAPPING SERVICES AND THE GROUPING OF PROJECTS AND PROVIDING SEVERABILITY, INCLUSION IN CODE AND EFFECTIVE DATE

County Manager

I. SUMMARY

This resolution seeks to amend Section 2-10.4 of the Code of Miami-Dade County, Florida. Amending the code will remove the existing County self imposed dollar limitations for project grouping. Moreover, this would guarantee the County flexibility to respond to infrastructure projects effecting large geographic areas.

II. PRESENT SITUATION

On May 11, 2004, the Board of County Commissioners (BCC) deferred 9 (K) (1) (A) which sought to execute two (2) non-exclusive Professional Service Agreements (PSA) with Cherokee Enterprises, Inc. and Peer Consultants, P.C. for groundwater, surface water, and soil contamination cleanup services at various non-specific sites.

On January 23, 2003, the Board of County Commissioners (BCC) approved the rejection of current proposals and the re-advertisement of a replacement contract for two PSAs with at contract capacity of \$5 million per agreement for a total of up to \$10 million.

III. POLICY CHANGE AND IMPLICATIONS

Upon successful negotiations with the two listed firms above, the County manager's office realized that County Code Sec. 2-10.4 (1) (e) 2 prohibits the County from awarding Architectural & Engineering service agreement at an amount greater than \$500,000.

Similarly, 2-10.4 (e) of the Code of Miami-Dade County states that construction, rehabilitation or renovation activities shall not exceed \$5,000,000.

BCC ITEM 6 (D)
April 13, 2004

Amending the ordinance allows the County Manager discretion. Under the consideration that project grouping provides a more efficient and expeditious method of completing infrastructure projects, the manager could increase award amounts up to the original \$5 million. All this depends on amending the County Code allowing for a larger dollar amount for these types of projects.

IV. ECONOMIC IMPACT

If the Code is amended, these awards could be increased up to \$5 million each for a total of \$10 million.

V. COMMENTS AND QUESTIONS

The County should be more diligent in realizing the parameters of a proposed contract before negotiating with a prospective firm. The possibility exists that firms submitted proposals and dollar amounts based on unit prices related to a larger scope of work and may not be able to realize these tasks for the amount agreed to if the scope of work is decreased.

Summary of FY03-04 Mid-Year Supplemental Budgets (Departments only) 6-8-04 BCC 6(E)

		FY03-04	Justification provided for Supplemental Budget
Fire Rescue - Air Rescue			
Previously Approved Budget		\$ 8,154,000	
Transfer from Countywide General Fund		223,000	
Amended Budget		\$ 8,377,000	To cover negotiated wage adjustment (\$40K), overtime (OT) expenditures for leave coverage (\$110K) and increased fuel costs (\$73K). Due to minimum staffing requirements, OT is needed to cover employees who are on leave.
Fire Rescue - Anti-Venin			
Previously Approved Budget		\$ 300,000	
Miscellaneous Donations and Fees		50,000	
Transfer from Countywide General Fund		25,000	
Amended Budget		\$ 375,000	To cover additional OT (\$49K) and additional medicine (\$26K).
Fire Rescue - Lifeguarding & Ocean Rescue Services			
Previously Approved Budget		\$ 2,394,000	
Transfer from Park and Recreation Dept.		32,000	
Amended Budget		\$ 2,426,000	To cover higher than budgeted costs associated with the transfer of this program from the Park and Recreation (P&R) Department (\$32K). Pursuant to BCC direction, this unit was transferred out of P&R due to its public safety/rescue functions.
Office of Emergency Mgt (OEM) and Homeland Security			
Previously Approved Budget		\$ 1,597,000	
Additional Carryover		27,000	
Other Revenues (inspection fees)		2,000	
Amended Budget		\$ 1,626,000	To cover negotiated wage adjustment (\$29K).
OEM and Homeland Security (Grant-funded operations)			
Previously Approved Budget		\$ 538,000	
Additional Grant Revenues		815,000	
Additional Carryover		29,000	
Amended Budget		\$ 1,382,000	Additional grants and carryover of \$844K.

Summary of FY03-04 Mid-Year Supplemental Budgets (Departments only)

6-8-04 BCC 6(E)

Procurement Mgt

Previously Approved Budget
Transfer from Countywide General Fund
Transfer from UMSA General Fund
Amended Budget

\$ 7,347,000
251,000
135,000
\$ 7,733,000

To cover negotiated wage adjustment (\$62K), separation costs (\$120K), additional expenses related to the modification of ADPICS and FAMIS for the User Access Program (\$215K) and Graphical User Interface maintenance charges (\$44K). The department has identified savings to offset some of this over expenditure and revenue shortfalls, including keeping certain positions vacant and reducing certain line items (such as supplies, training, storage and copier purchase). In the current year, DPM's budgeted included revenues of \$1.675 million and \$125K from the User Access Program and the surcharge program, respectively. Current projections show that it will be approx. \$838K from the UAP and \$50K from the surcharge, for a shortfall of \$912K.

Communications

Previously Approved Budget
Transfer from Countywide General Fund
Transfer from UMSA General Fund
Amended Budget

\$ 4,965,000
12,000
7,000
\$ 4,984,000

To cover expenditures related to the Dial-a-Life Coordinator position and associated expenses with transferring it to Communications from the Department of Human Services (\$19K). The Dial-a-Life program previously recieved funding from the Domestic Violence Board, but is now funded by the general fund.

International Trade Consortium

Previously Approved Budget
Carryover
Transfer from Countywide General Fund
Amended Budget

\$ 837,000
70,000
43,000
\$ 950,000

To cover separation costs (\$113K).

Medical Examiner

Previously Approved Budget
Transfer from Countywide General Fund
Amended Budget

\$ 6,870,000
175,000
\$ 7,045,000

To cover negotiated wage adjustment (\$59K), separation costs (\$114K) and other operating expenditures (\$2K).

Consumer Services

Previously Approved Budget
Capital Contribution
Amended Budget

\$ 1,220,000
440,000
\$ 1,660,000

To show capital contribution from cable providers that was inadvertently omitted from the Department's original budget.

Summary of FY03-04 Mid-Year Supplemental Budgets (Departments only)

6-8-04 BCC 6(E)

Office of the Citizens' Independent Transportation Trust

Transfer from Miami-Dade Transportation Revenue Fund \$ 2,783,000

To establish a budget for the Office of the CITT for the annual operating costs associated with the CITT. Transit Surtax was previously budgeted within the Transit budget prior to this office being created. The CITT Board approved a FY03-04 Budget of \$3.6 million. However, projected spending this year is \$2.783 million. **See attached for a detailed breakdown of this budget.** Approx. 48% of this budget is for Personnel (salary and fringes for 14 full-time employees and 3 temporary employees). An additional 5% of the total budget is to pay for an outside Financial Advisor (\$125K). The County Manager's request to reject proposals and readvertise the RFP for Financial Advisors for the CITT will be on the May 20 Transportation Committee agenda. The \$125K equates to one quarter year funding (July-Aug-Sept.), based on a \$500K annual estimate.

Community Action Agency

Previously Approved Budget	\$ 72,486,000
Additional State and Federal Grants	1,506,000
	<u>\$ 73,992,000</u>

Additional state and federal grants, such as the Head Start, Self-Help Institute, and Energy Grant programs.

Environmental Resources Management

Previously Approved Budget	\$ 7,100,000
Additional State and Federal Grants	2,263,000
Amended Budget	<u>\$ 9,363,000</u>

Additional state and federal grants.

Homeless Trust

Previously Approved Budget	\$ 14,025,000
Additional State Grants	520,000
Additional Federal Grants	5,110,000
Amended Budget	<u>\$ 19,655,000</u>

Additional state and federal grants.

Notes

- These budget amendments are based on the latest projections. Year-end budget amendments may be needed depending on unexpected expenditures from May until September.
- There are no reallocation of funds from the Countywide or UMSA Contingency Reserves (\$6.7 million) or from the Emergency Contingency Reserve (\$11.122 million).
- Negotiated Wage Adjustment refers to the 4% COLA and \$25 per pay period supplement effective July 2004. Separation costs include leave payouts and DROP. These expenditures are paid from a Wage Adjustment, FRS, Separation and Energy Reserve Fund that is set aside for these and other specified purposes.
- OSBM refers to the Office of Strategic Business Management
- OT refers to overtime

Summary of FY03-04 Mid-Year General Fund Budget Amendments
6-8-04 BCC Agenda Item 7(L)(1)(B)

Department	Countywide General Fund Transfer Required	UMSA General Fund Transfer Required	Reason	Comments
Corrections and Rehabilitation	\$ 7,541,000	n/a	To cover increased expenses associated with hospital assignments for inmate medical care (\$1.7 million) and personnel costs, mainly OT (\$5.841 million)	Expenses associated with hospital assignments were higher than budgeted. Overtime (OT) in FY03-04 was budgeted at \$3 million.
Board of County Commissioners	1,502,000	808,000	Allocation of unexpended FY02-03 year-end Commission office balances as follows: District 1: \$281K, District 2: \$25K, District 3: \$98K, District 4: \$181K, District 5: \$305K, District 6: \$318K, District 7: n/a, District 8: \$294K, District 9: \$157K, District 10: \$107K, District 11: \$203K, District 12: \$59K, District 13: \$50K and the Office of the Chair: \$232K.	Commission Office budgets for FY03-04 are \$809K each. The Office of Chair's budget is an additional \$875K. Unexpended balances in District budgets are rolled over, but the Office of the Chair's budget is whatever budget is approved (i.e. does not rollover).
Park and Recreation	1,410,000	308,000	To cover negotiated wage adjustment (\$607K), Country Club of Miami outstanding vendor and lessee obligations (\$723K) and lower than budgeted golf-related revenues that were expected to offset departmental operating costs (\$388K).	The Board approved the payment of outstanding debt owed by the County Club of Miami when the County took its operations last year. Revenues were lower than budgeted because certain golf courses didn't open on schedule.
Elections	1,214,000	n/a	To cover negotiated wage adjustment (\$70K), increased expenditures related to the March 9, 2004 election (\$426K), and an anticipated increase in the August 31, 2004 election costs (\$718K). The election costs increases were due to "night before" set up costs, higher than anticipated overtime costs, and costs associated with an additional mailing of voter identification cards.	Each of these elections were originally budgeted at \$2.250 million, but based on certain assumptions that may not/did not occur, such as not doing "night before" set up. Because no state approval was received to set up the morning of (and Elections felt it would be in best interest to do the night before), additional OT costs were incurred for the March 2004 election. OT costs were also higher than budgeted because Elections moved to its West Dade headquarters in Dec. 2003-Jan 2004 and had to do a lot of preparations for the March election in a short time. The August 2004 election is also anticipated to be at least \$400K over budget (mainly OT), particularly because the turnout is expected to be so high, as well as several petitions underway requiring the additional use of seasonal employees.

Summary of FY03-04 Mid-Year General Fund Budget Amendments
6-8-04 BCC Agenda Item 7(L)(1)(B)

Department	Countywide General Fund Adjustment Required	UMSA General Fund Adjustment Required	Justification provided for General Fund Amendment	Comments
Procurement Management	796,000	427,000	To cover negotiated wage adjustment (\$62K) and separation costs (\$120K), additional expenses for the modification of ADPICS and FAMIS for the User Access Program (\$215K), Graphical User Interface maintenance charges (\$44K), and unrealized UAP and surcharge revenues (\$912K). The department has identified line item savings to offset a portion of the shortfall (\$130K).	The department has identified savings to offset some of this over expenditure and revenue shortfalls, including keeping certain positions vacant and reducing certain line items (such as supplies, training, storage and copier purchase). In the current year, DPM's budgeted included revenues of \$1.675 million and \$125K from the User Access Program and the surcharge program, respectively. Current projections show that it will be approx. \$838K from the UAP and \$50K from the surcharge, for a shortfall of \$912K.
Property Appraisal	591,000	-	To cover negotiated wage adjustment (\$133K), expenses (including OT) related to efforts in updating the real and personal property tax rolls (\$318K), and printing costs associated with the State no longer providing certain forms (\$140K).	The State is no longer providing Form DR424, which is a certification of taxable value sent out to every Miami-Dade County jurisdiction.
Enterprise Technology Services	585,000	315,000	To cover negotiated wage adjustment (\$416K) and lower than anticipated payments from the Aviation Dept. due to Federal Aviation Administration restrictions on revenue diversions (\$484K).	The FAA will pay certain indirect costs, but will only pay for things if a Memorandum of Understanding is in place. Discussion is currently ongoing with regards to what internal County functions Aviation benefits from and how much it should reimburse.
Medical Examiner	361,000	-	To cover negotiated wage adjustment (\$59K), separation costs (\$71K) and lower than anticipated proprietary revenues mainly due to the reduction of charges to the State Attorney's and Public Defender's Offices and state law changes that limit autopsy photographs (\$231K).	The Medical Examiner can no longer charge for certain services because they are statutorily required to or restricted from doing them.
Fire Rescue - Air Rescue	247,950	-	To cover negotiated wage adjustments (\$40K), OT costs for leave coverage (\$110K), and increased fuel costs (\$73K).	Due to minimum staffing requirements, OT is needed to cover employees who are on leave.
Fire Rescue - Anti Venin	25,000	-	\$25K to partially cover additional OT (\$49K) and additional medicine (\$26K). The balance (\$50K) will be funded by proprietary fees and donations.	The FY03-04 Adopted budget was \$300K with two full-time positions.

Summary of FY03-04 Mid-Year General Fund Budget Amendments
6-8-04 BCC Agenda Item 7(L)(1)(B)

Department	Countywide General Fund Adjustment required	UMSA General Fund Adjustment required	Reason	Comments
Community Relations	185,000	-	To cover personnel-related costs.	The Assistant Director retired and the salary was incorrectly deducted twice (accounting for \$136K). The OCR loaned employees to assist with the FTAA and GOB, so it is also added back to the original.
Agenda Coordination	94,000	51,000	To cover additional printing costs and supplies related to providing regular and committee agenda materials (\$145K).	On-line agendas have not reduced printing costs as had originally anticipated. The number of agenda kits requested remains high and the volume of individual agenda items has increased.
Communications	93,000	50,000	To cover additional expenditures related to the Dial-a-Life Coordinator position and association operating expenses that were transferred to Communications from the Department of Human Services (\$143K).	OSBM did not respond by printing regarding the reason for the transfer of the Dial-a-Life Coordinator position back to Communications where the Coordinator was.
International Trade Consortium	43,000	-	To cover separation costs.	The Director is retiring, but will remain as a consultant.

Notes

- These general fund budget amendments are based on the latest projections. Year-end budget amendments may be needed depending on unexpected expenditures from May until September.
- There are no reallocation of funds from the Countywide or UMSA Contingency Reserves (\$6.7 million) or from the Emergency Contingency Reserve (\$11.122 million).
- Negotiated Wage Adjustment refers to the 4% COLA and \$25 per pay period supplement effective July 2004. Separation costs include leave payouts and DROP. These expenditures are paid from a Wage Adjustment, FRS, Separation and Energy Reserve Fund that is set aside for these and other specified purposes.
- OSBM refers to the Office of Strategic Business Management
- OT refers to overtime

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION AUTHORIZING EXECUTION OF LEASE AGREEMENT AT 172 WEST FLAGLER STREET, SUITES A, B AND F, MIAMI, WITH JACK THOMAS, INC., AS AGENT FOR FLAGLER BUILDING J.V., FOR PREMISES TO BE UTILIZED BY DEPARTMENT OF ENVIRONMENTAL RESOURCES MANAGEMENT FOR THE CONTRACTS AND SPECIFICATIONS SECTION; AND AUTHORIZING THE COUNTY MANAGER TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN

County Manager

I. SUMMARY

This resolution seeks authorization from the Board of County Commissioners to execute a lease agreement at West Flagler Street, Suites A, B and F between Jack Thomas, Inc. and Miami-Dade County.

II. PRESENT SITUATION

On April 20, 2004, Commissioner Martinez raised several concerns with the cost of relocating the Department of Environmental Resources Management (DERM) during the GOE committee meeting. At the request of Commissioner Martinez and Commissioner Seijas, General Services Administration (GSA), reevaluated the original relocation costs estimated to be \$55, 000. The new revised relocation costs prepared by (GSA) illustrate a significant reduction in the cost for moving, installation of furniture and purchase of equipment, and for phones/data installation.

III. POLICY CHANGE AND IMPLICATIONS

The original estimated costs were: \$55,000

Moving costs:	\$10,000.00
Construction and installation Of 10 cubicles:	\$27,500.00
Installation of phones/data:	\$17,500.00

**The revised relocation costs
are estimated to be: \$33,462**

Moving costs for moving costs, installation of furniture and purchase of equipment:	\$24,920.00
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BCC ITEM 7 (F) (1) (A)
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Data wiring:	\$4,620.00
Telephone Installation:	\$2,310.00
Other miscellaneous:	\$835.00
ETDS cost:	\$777.00

For phones/data installation: \$8, 542.00

IV. ECONOMIC IMPACT

Some may argue that contracts rendered by GSA are inadequate for the services, unreasonable, lack oversight and are inaccurately calculated.

Because of the emphasis by commissioners to reduce the questionable costs on this item, (GSA) should consider amending current and future contracts and possibly include consultants to monitor planning and cost estimating of these types of projects.

Some may argue that GSA is not doing enough to evaluate significant cost variances for services rendered in the County.

V. COMMENTS AND QUESTIONS

Why is GSA proposing the purchase of new furniture when GSA indicated during the GOE committee on May 18, 2004, that there is available furniture in stock that may be reused?

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION AUTHORIZING AWARD OF A COMPETITIVE BID, COMPETITIVE CONTRACT MODIFICATIONS, AND REQUESTS TO ADVERTISE FOR BIDS AND TO EXECUTE OPTIONS TO RENEW ESTABLISHED THEREUNDER FOR THE PURCHASE OF COMMODITIES AND SERVICES

Department of Procurement Management

I. SUMMARY

This resolution approves the following:

Contract Awards

Title: Chemical Feed and Disinfection Systems, Parts and Accessories, Prequalification of vendors (Bid #7485)

- Description: To purchase original equipment manufacturer (OEM) parts and accessories for chemical feed and disinfection systems
- Estimated Contract Usage: \$2,850,000 over two years (WASD)
- **Action to be approved by the BCC:** Award to pool – Florida Water Processing, Instruments South Corporation, Water Treatment & Controls Company (no guarantee that a pre-qualified firm will be awarded a purchase order)

Notes*: Additional vendors that meet the minimum criteria may be added to this pool in the future, as this is the first time the County is allowing for equal to or aftermarket parts manufacturers to participate. It took almost five months to award this bid (advertised in Jan. 04).

Contract Modifications

Title: Gasoline and Diesel Fuel (Bid #3143)

- Existing allocation: \$154,120,375.95 (GSA)
- **Action to be approved by the BCC:** Increase contract allocation by \$7,000,000 to \$163,120,375.95 (4.6% increase)
- **Reason:** Due to increased fuel costs.

Notes: New contract is expected to be in place by August 2004.

Title: Rear Loading Refuse Packer Trucks (Bid#4535)

- Existing allocation: \$7,587,019.20 (Solid Waste Management)
- **Action to be approved by the BCC:** Increase contract allocation by \$2,224,202.56 to \$9,811,221.76 (29.3% increase)
- **Reason:** To allow SWM to purchase 16 rear loading refuse packer trucks under the existing County contract competitively awarded in 2002. The department has determined that there are substantial costs savings in replacing vehicles that are beyond its useful life.

Notes*: Of SWM's 159 rear packers, the average age of the entire fleet is six years of age. Their goal is to lower the fleet age average to three years in order to lower overall

* This is additional information that is not explicit in the Agenda item.

BCC ITEM 7(O)(1)(B)

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maintenance costs. The useful life of these trucks is assumed at eight years, which is consistent with their financing.

Title: Software Licensing Fees, Candle Proprietary Software

- Existing allocation: \$95,000 (ETSD)
- **Action to be approved by the BCC:** Increase contract allocation by \$55,000 to \$150,000 (57.9% increase) and add an one-year option to renew
- **Reason:** To pay for upgrade and maintenance fees for a two year period to lock in price savings negotiated by DPM.

Notes*: Staff did not respond by printing regarding how a reduction from \$199,000 to \$80,000 for two years was accomplished with a vendor that has proprietary rights. It is not clear if the difference just profit to the vendor.

Request to advertise bids

Title: Water Service Meters, Parts and Accessories (Bid#AVCW0301009)

- Description: Establish a pool of pre-qualified vendors to purchase various water service meters, parts and accessories. Inclusion in pool that not guarantee award of a purchase order.
- Estimated allocation: \$7,500,000 over five years (WASD)
- Action to be approved by the BCC: Authorize advertisement with BBE, HBE and WBE Bid Preference (this was formerly a sole source/bid waiver contract)

Title: Lot Clearing (Req#RQTM0400002)

- Description: To establish a contract to provide lot maintenance and clearing services such as tractor mowing, trimming, weed eating, loading and hauling, etc. for five separate zones within Miami-Dade County.
- Estimated allocation: \$1,500,000 over two years (Team Metro)
- Action to be approved: Authorize advertisement.

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION REJECTING THE HEARING EXAMINER'S RECOMMENDATION UNDER THE BID PROTEST AFFIRMING THE COUNTY'S ACTIONS IN COMPETITIVE PROCUREMENT AND AUTHORIZING THE AWARD OF A CONTRACT FOR BID NO. 7368-4108 FOR AUTOMATED GARBAGE TRUCKS AND THE RIGHT TO EXECUTE OPTIONS TO RENEW ESTABLISHED THEREUNDER

Department of Procurement Management

I. SUMMARY

This item recommends award of Bid No. 7368-4/08 *Automated Garbage Trucks* to Palm Peterbilt-GMC Trucks, Inc (Palm Peterbilt).

II. PRESENT SITUATION

In Jan. 2004, the County Manager recommended award of the purchase of 75 Automated Garbage Trucks during the initial one year term by the Department of Solid Waste Management for \$14.5 million from Palm Peterbilt, which had the lowest price proposals of the four total bidders (Atlantic Truck Center, Clark Waste Systems, Inc., and Nextran Truck Center). The prices were competitive; all bid prices from the four vendors were within 5% of each other. Nextran originally had the lowest bid in two parts of the four relevant components of the bid; however, an additional "maintenance fee of \$3,522.82 was added to its bid because it was offering Mack Engine trucks. Palm Peterbilt was selling the Caterpillar C-10 Engine models, which was the County's preferred model in the ITB. Addendum two of the bid stated that other products will *"either be disqualified from bidding or will have additional costs of maintaining their products added to their bid price, for award evaluation purposes, at the sole discretion and calculation of the County."*

Nextran Truck Center (Nextran) filed a bid protest which was held in Feb. 2004. The bid protest centered on two main issues:

- 1) Per the Hearing Examiner, the calculation of the "additional maintenance fee" is "unreasonable" and not in accordance with "trade and industry practice," and the County should have reviewed the maintenance data submitted by Nextran, which called for a 90 day oil change interval. The Manager and staff indicate that their research from roughly 20 different sources sustains the County's argument that the Mack engine has a 60 day oil change interval. The C10 has "greatly extended oil change intervals, and on-going engine oil analysis service (at no additional charge to the County).¹ Thus, the County felt it was justified to add the additional maintenance fee to Nextran's proposal.

¹ Staff did not respond by printing regarding what the actual interval in days is for the C10.

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- 2) Per the Hearing Examiner, an award to a vendor proposing a C10 engine would be in violation of federal law (Environmental Protection Agency standards). The Manager and staff indicate that, while the C10 does not meet the most stringent federal emission standard, the C10 is an approved "bridge" or "transition" engine.² The federal standard for this type of equipment is 2.5 grams per horsepower (g/hp). The C10 is rated at 2.8 g/hp, and the Mack engine is rated at 2.4 g/hp. DERM reviewed this issue and concluded that use of either the C10 or the Mack engine will have only a negligible impact on air quality and that the reduced use of oil (waste oil) is desirable from the standpoint of reducing potential County liability associated with the handling and disposal of hazardous waste.

III. POLICY CHANGE AND IMPLICATION

In terms of the level of emissions, DERM has concluded that the C10 and the Mack engine emissions are comparable, but points out that more frequent oil changes means more disposal of waste oil is required. [NOTE: Although not specified in the item, used oil is probably going to a recycling facility and not being disposed of any way that is hazardous to the environment.]

The replacement of approx. 75 trucks would make the SWM fleet predominately C10 Caterpillar Engine trucks (only about 10 of 98 trucks would be Mack engines). There are advantages to keeping similar engines in a fleet (e.g. parts inventory, maintenance training, etc.)

Provisions to substitute engines that meet all Clean Air Act requirements and are EPA compliant (such as the C11 and C13 Engines, which were not available at the time of the contract bidding) in the future are included in the contract.

IV. ECONOMIC IMPACT

All prices were within 5% of each other, with all bidders except Nextran offering Caterpillar Engine models. The County has "cradle-to-grave" responsibility for waste oil, which includes the full cost of disposal of oil. It is difficult to assess if and whether there is a greater or lesser environmental impact of using one engine in lieu of another.

V. COMMENTS AND QUESTIONS

Since this was an ITB, award is made to the lowest responsible, responsive bidder. The Hearing Examiner noted that, due to the County's preference for the Caterpillar engine, it may have been more appropriate to do a RFP.

² Bridge engine: authorize for sale pending the development and production of new engines in response to regulatory change by the EPA

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SWM has spoken with the City of Miami about their automated garbage trucks. The City is using a Load All body truck with the Caterpillar engine. At the time, Miami's Director was not familiar with the model of cab and chassis that they use or the model of caterpillar engine. Their trucks are about four years old. The vendor the City used, Load All, is now out of business. To SWM's knowledge, the City has had problems with the body buckling.

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

*RESOLUTION APPROVING CHANGE ORDER NO. ONE TO THE CONTRACT
WITH FENCE MASTERS, INC., FOR ANNUAL OPEN GUARDRAIL CONTRACT
NO. 13*

Public Works Department

I. SUMMARY

This item is a retroactive change order between Fence Masters, Inc and Miami-Dade County for the installation of new guardrail or replacement of existing guardrail throughout Miami-Dade County

II. PRESENT SITUATION

At the present time, the completion date was May 20, 2003 and the original cost estimate is \$200,000

III. POLICY CHANGE AND IMPLICATIONS

Change Order No. One would add (4) new pay items to the contract. The request will not increase the original contract amount.

IV. ECONOMIC IMPACT

None.

The funding source was determined to come from the Secondary Gas Tax and Federal Emergency Management Agency (FEMA)

V. COMMENTS AND QUESTIONS

Adding the new pay item does not increase the original contract amount.

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION AUTHORIZING EXECUTION OF A JOINT PARTICIPATION AGREEMENT WITH THE MIAMI-DADE EXPRESSWAY AUTHORITY TO PARTICIPATE IN FUNDING THE CONSTRUCTION OF ROADWAY IMPROVEMENTS ALONG WEST 137 AVENUE FROM SW 8 STREET TO NW 12 STREET; AND AUTHORIZING THE COUNTY MANAGER TO EXERCISE THE PROVISIONS THEREIN

Public Works Department

I. SUMMARY

This item seeks the approval of a Joint Participation Agreement (JPA) between Miami-Dade County and the Miami-Dade Expressway Authority (MDX), to provide funding for the of roadway improvements to be constructed along West 137 Avenue from SW 8 Street to NW 12 Street.

II. PRESENT SITUATION

According to FDOT, there might be a shortfall in project funding. The County's available project funding is \$2,526,409. This includes \$726,409 for design, as well as \$1,800,000 funding allocation from Road impact Fees (RIF).

According to staff, the 1,800,000 is anticipated to be spent on partially funding the right-of-way acquisition and utility relocation. Any CIGP reimbursements the County receives from FDOT will be utilized to compliment the aforementioned remaining \$1,800,000. Any difference between the final costs for the right-of-way and utility relocation over the County's contribution and CIGP will derived from MDX.

Potentially, the costs of the acquisition may be different from the current estimates. Pending settlement will determine the prices.

III. POLICY CHANGE AND IMPLICATIONS

The County will receive complete reimbursements for the County's total costs incurred for right-of-way acquisition and utility relocations for the referenced project up to a maximum of \$5,271,000. The maximum figure was derived as the 35% of the total project cost estimated at \$15,062,000.

BCC ITEM 7 (P) (1) (J)**June 8, 2004****IV. ECONOMIC IMPACT****Original Project Cost Estimates**

Design	\$537,000
Right-of-way acquisition	\$3,710,000
Utility Relocation	\$1,768,000
Construction	\$12,725,327
Total Coat Estimate	\$18,740,327

Actual Project Costs as of 2/23/04

Design	\$726,409
Right-of-way acquisition	\$1,563,774
Utility Relocation	\$1,768,000
Construction	\$18,506,400
Total Coat Estimate	\$22,564,583

Originally projected non-MDX funding:

Includes full CIGP reimbursement based on a FDOT Participation of County expenditures per agreement at 35%. Assumes the currently committed County contribution of \$1,800,000 For R/W and utility relocation.

Source	Participation
Miami-Dade County	\$2,526,409
Federal Funds	\$4,500,000
CIGP	\$5,271,000
Total Non-MDX Funds	\$12,297,409

Currently projected non-MDX funding:

Includes partial CIGP reimbursement based on a FDOT Participation of County expenditures per agreement at 35%. Assumes the currently committed County contribution of \$1,800,000 For R/W and utility relocation.

Source	Participation
Miami-Dade County	\$2,526,409
Federal Funds	\$4,500,000
CIGP	\$1,917,300
Total Non-MDX Funds	\$8,943,709

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V. COMMENTS AND QUESTIONS

How much will the county elect to procure from district 12?

What is the current total available (RIF) in district 12?